

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6534**

**BILL NUMBER:** HB 1290

**NOTE PREPARED:** Dec 16, 2009

**BILL AMENDED:**

**SUBJECT:** Inappropriate Relationships with Students.

**FIRST AUTHOR:** Rep. Friend

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Criminal Penalty:* The bill provides that a teacher or coach in a primary or secondary school who knowingly or intentionally has sexual contact with an individual who is less than 19 years of age and who is a student in the primary or secondary school commits having an inappropriate relationship with a student, a Class A misdemeanor.

*Revocation of Teaching License:* The bill also requires the Department of Education to revoke a teacher's teaching license if the teacher is convicted of having an inappropriate relationship with a student.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:** *Revocation of Teaching License:* The Professional Licensing Board could incur additional costs to hold a hearing to permanently revoke the teaching license of a person convicted of an inappropriate relationship with a student. The additional costs will depend on the number of teachers convicted of the crime.

**Explanation of State Revenues:** *Criminal Penalty:* There are no data available to indicate how many primary or secondary school teachers or coaches may be convicted of having an inappropriate relationship with a student, a Class A misdemeanor.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:** A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106.